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JESSIE GONZALEZ  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JESSIE GONZALEZ,

15 Defendant.  
16

Case No. 1:22-cr-00080 JLT-SKO

**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY  
REDUCTION CASE

Judge: Hon. Jennifer L. Thurston

17 Defendant, JESSIE GONZALEZ, by and through his attorney, Assistant Federal  
18 Defender Peggy Sasso, and plaintiff, UNITED STATES OF AMERICA, by and through its  
19 counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

20 1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of  
21 imprisonment in the case of a defendant who has been sentenced to a term of imprisonment  
22 based on a sentencing range that has subsequently been lowered by the Sentencing Commission  
23 pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG  
24 § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are  
25 applicable;

26 2. The United States Sentencing Commission recently amended the Sentencing  
27 Guidelines to limit the overall criminal history impact of “status points” by assigning zero status  
28 points for offenders with six or fewer criminal history points, and one status point for offenders

with seven or more criminal history points (“status-point provision”). *See* Amendment 821, Part A; *compare* USSG § 4A1.1(d) (2022), *with* USSG § 4A1.1(e) (Nov. 1, 2023). The United States Sentencing Commission made the status-point provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88 Fed. Reg. 60534;

3. Mr. Gonzalez received 6 criminal history points based on his past criminal convictions and 2 criminal history points pursuant to former USSG § 4A1.1(d) for a total criminal history score of 8, which placed Mr. Gonzalez in criminal history category IV with a recommended guideline range of 46 - 57 months;

4. On September 16, 2022, this Court sentenced Mr. Gonzalez to a term of 46 months imprisonment;

5. The sentencing range applicable to Mr. Gonzalez was subsequently lowered by the status-point provision, which reduces his criminal history score to 6, lowering his criminal history category from IV to III, resulting in an amended advisory guideline range of 37 to 46 months;

6. Because Mr. Gonzalez is eligible for a reduction in sentence, the parties request the Court enter the order lodged herewith reducing Mr. Gonzalez’s term of imprisonment to 37 months, effective 10 days from the date of the amended judgment. If the amount of time served as of the effective date of the Court’s Order exceeds 37 months, the sentence is instead reduced to a sentence of time-served effective 10 days from the date of the amended judgment.<sup>1</sup>

Respectfully submitted,

Dated: February 2, 2024

PHILLIP A. TALBERT  
United States Attorney

Dated: February 2, 2024

HEATHER E. WILLIAMS  
Federal Defender

/s/ Shelley D. Weger  
SHELLEY D. WEGER  
Assistant U.S. Attorney

/s/ Peggy Sasso  
PEGGY SASSO  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Defendant  
JESSIE GONZALEZ

<sup>1</sup> This 10-day period is requested by the Bureau of Prisons to perform its statutory duties and release planning.

**ORDER**

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Gonzalez is entitled to the benefit of Amendment 821, Part A, the new status point provision, codified at USSG § 4A1.1(e), which reduces his criminal history category from IV to III, resulting in an amended guideline range of 37 to 46 months.

IT IS HEREBY ORDERED that, pursuant to USSG § 1B1.10(b), the term of imprisonment imposed in 2022 is reduced to a term of 37 months, effective 10 days from the date of the amended judgment. If the amount of time served as of the effective date of this Order exceeds 37 months, the sentence is instead reduced to a sentence of time-served effective 10 days from the date of the amended judgment.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Gonzalez shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: **February 5, 2024**

  
UNITED STATES DISTRICT JUDGE